

APPROVED: Meeting No. 1-81

ATTEST: *W. E. Hanna, Jr.*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 45-80

December 15, 1980

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, December 15, 1980, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilwoman Phyllis Fordham
(left at 9:45 p.m.)

Councilman John Freeland

Councilman John Tyner

ABSENT

Councilman Steve Abrams

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; Information Officer Sue M. Patterson; Director of Finance John Lawton; Director of Recreation and Parks Ronald Olson; City Attorney Roger Titus; Assistant City Manager Daniel Hobbs; Chief of Police Jared Stout; Director of Public Works Robert Goodin; Director of Planning James M. Davis.

Re: City Manager's Report

Mr. Blick reported the following:

1. There will be a tree lighting ceremony on Tuesday evening at 9 p.m. at the Scott Triangle at the intersection of Veirs Mill Road and Rockville Pike. Mayor Hanna will light the official City tree. There will be caroling.
2. The County Executive has signed the County law monitoring the sale of precious metals. The City Attorney has a copy and will be drafting parallel legislation.

Re: Appointments

Mayor Hanna, with the confirmation of the Council, made the following appointments:

Recreation and Park Advisory Board

Chairman - Patricia Lawwill - (1 year appointment)
 Member - Charles E. Leasure, Jr. (2 year appointment)
 32 Farm Haven Court 20852

Economic Development Council

Member - Lisa Taylor (2 year reappointment)

Cultural Arts Commission

Member - Frederick A. McLaughlin III (2 year appointment)
 886 College Parkway, Apt. 203,

Board of Appeals

Member - Peter Hartogensis - (formerly Alternate Member)
 (effective January 5, 1981)

Civic Improvement Advisory Commission

Member - James Collins (2 year term)
 7 Fairwood Court
 Member - James P. Hannan (2 year term)
 1501 Bradley Avenue

Re: Award of Contract: Bid No. 24-81,
 Refuse Contract for City Facilities

Bids were opened in the Council Chamber, City Hall, at 3 p.m. December 4
 1980, for refuse collection service.

The bids were as follows:

Titus Trash Service	Poolesville, MD	\$14,534.00
Industrial Disposal Systems	Rockville, MD	17,126.00
Browning Ferris Industries	Capitol Heights	17,957.46
United Disposal Corporation	Gaithersburg, MD	18,026.64
Mac's Rubbish Service	La Plata, MD	18,700.56
Eastern Transwaste Corporation	Beltsville, MD	21,547.10

The contract for refuse collection service represents placement, collection, and maintenance of 17 trash containers totaling 66 cubic yards. The average individual container will be 4 cubic yards. These containers are located at heavy refuse producing areas such as: City Hall, Woolworth Building, Municipal Swim Center, Public Works Complex, Civic Center Complex, and various recreational centers and other city departments.

This contract, to run from January 1, 1981 to December 31, 1981, represents the second such contract for this type of service.

The amount budgeted in the program area of Recreation and Leisure Time, under the category of Building Maintenance and Administrative Building and Grounds is \$7,400 in FY 81 the remaining amount of \$7,134 will be budgeted in FY 82.

The staff recommends awarding the contract to the low bidder, Titus Trash Service, in the amount of \$14,534.00.

On motion of Councilman Freeland, duly seconded and unanimously passed, Bid No. 24-81, for refuse collection and service was awarded to Titus Trash Service, the low bidder, in the amount of \$14,534.00.

Re: Introduction of Ordinance: To
Grant Text Amendment Application,
T-41-80.

On motion of Councilman Tyner, there was introduced upon the table an ordinance granting text amendment application, T-41-80, said ordinance to lay over at least one week before final action is taken by the Mayor and Council.

Re: Approval of special assessment
project and waiver of public hearing
Montrose Woods Joint Venture.

Montrose Woods Joint Venture, developers of a small tract of land in south Rockville, have requested the City extend the public water and sewer system to serve their proposed development.

The area in question contains fourteen lots and lies north of Montrose Road between the Woodmont Golf course and the existing Montrose subdivision. The Planning Commission has approved the subdivision plan.

It is recommended that the Developer be required to contribute 50% (estimated at \$30,000) toward the combined cost of the sanitary sewer and water main extensions between the existing terminus of each system and the systems to be placed in the new subdivision street. This will reduce the assessable cost to \$93,396.00 which sum when divided by the fourteen lots equals \$6,671.00 per lot.

On motion of Councilwoman Fordham, duly seconded and unanimously passed the Council approved the special assessment project and waiver of public hearing.

Re: Approval of right-of-way acquisition
for First Street extension

The City has received a copy of a "Deed of Easement" to property of the Baltimore and Ohio Railroad Company which is needed for the extension of First

Street. The purchase price for the perpetual easement and construction easements has been established at \$60,000.

The needed B&O Railroad property was appraised by Chris C. Petroff, MAI and the "Deed of Easement" has been approved by the office of the City Attorney.

This matter was previously discussed by the Mayor and Council in Executive Session in July of this year. It is now recommended that the Mayor and Council approve the acquisition of the Baltimore and Ohio Railroad Company property needed for the extension of First Street in the amount of \$60,000.

On motion of Councilman Freeland, duly seconded and unanimously passed, permission was given to the staff to purchase the property at the price of \$60,000.

Re: Approval of Golf Pro Contract for
Red Gate Golf Course.

Submitted to the Council for consideration, is the contract extension with Mr. Brooks Gerardi, Pro-Manager of Red Gate Golf Course. His present contract expires on December 31, 1980.

Councilman Tyner asked where the proposed driving range, which is suggested for next year, will be located. Mr. Olson explained its location and the proposed operation schedule whereby the pro would purchase all the equipment and the City would receive 10 percent of the gross after start up costs are covered. Councilwoman Fordham asked if the Golf Course has ever broken even in the past. Mr. Olson said within 8 percent or so it has broken even. He explained the funding and the payments that must be made for debit service.

On motion of Councilman Freeland, duly seconded and unanimously passed, approval was given on the golf pro contract for 1981.

The City Manager commented that the City is most fortunate to have Mr. Gerardi for its Pro. He starts new activities each year and does an excellent job. Mayor Hanna agreed and said one of the strongest recreational groups in the City is the golfers and they would not play and support the course if it were badly managed. On behalf of the Council he joins Mr. Blick in his praise of Mr. Gerardi.

Re: Adoption of Ordinance: To Grant
Text Amendment Application, T-38-80

Ordinance No. 35-80

On motion of Councilman Freeland, duly seconded and unanimously passed, Ordinance No. 35-80, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, granting Text Amendment Application, T-38-80, was adopted by the Mayor and Council, amending building heights in the I-4 zone and making various minor corrections.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Steve Fisher. Mr. Fisher reminded the Council that he received a parking ticket in the parking lot a couple of weeks ago and asked if the City Attorney would express his opinion for the record, clarifying the parking ordinance as it pertains to the lot. Mr. Titus said the signs in the parking lot are in line with the City's traffic ordinance.

Mr. Fisher repeated the question pertaining to the City's health and safety regulations he questioned a couple of weeks ago and asked if this has been addressed. The City Manager noted a memo given to the Council this evening that explains the building code requirements for any edifice in the City that is more than six stories or 75 feet. Mayor Hanna explained that if there is any question on safety regulations or insisting that people incorporate safety into their buildings, the City makes the requirement of the builder and would worry about a court opinion on it later.

2. Bernard Gaunt, 308 Lincoln Avenue. Mr. Gaunt asked if the Mayor and Council knows the requirement for doors entering apartment buildings, and if they must be fire proof. The City Manager said if Mr. Gaunt would give the address of the particular building he is speaking of to the staff they would be able to check on it. Councilwoman Fordham explained that sometimes a door does not look substantial enough to withstand a fire; however, ordinary plasterboard is one of the most fire retardant materials there is.

Re: Annual Report - Board of Appeals

Karen Lechter, Chairman of the Board of Appeals spoke to the Council and highlighted the year's activities.

	<u>Reviewed</u>	<u>Approved</u>	<u>Denied</u>	<u>Withdrew</u>
Special Exceptions	7	7	--	--
Appeals	<u>24</u>	<u>11</u>	<u>11</u>	<u>2</u>
Total	31	18	11	2

Special Exceptions:

- a) Bank - Two
- b) Eleemosynary Institution - One
- c) Private School - One
- d) Restaurant - One
- e) Auto Dealership - One
- f) Sale of Mufflers/Shocks - One

Appeals:

- a) Deck/Porch - Three
- b) Commercial/Industrial Building - Four
- c) Eleemosynary Institution - One
- d) Carport - Three
- e) Garage - One
- f) House or House Addition - Twelve

Board members present: Karen Lechter, Chairman; Raymond Schnell, Board member; and Peter Hartogensis, Alternate to the Board. Mrs. Lechter expressed the good wishes of Board member Terry Donaldson who is presently confined to the hospital. She thanked the entire staff that worked with the Board for their assistance during the year, particularly Bob Mitchell and Kim Fowkles.

She noted her concerns which are that accessory buildings can be placed on a property and the building could in effect be larger than the main house and this should be addressed. At the same time, there are accessory buildings being constructed that are not completely finished and unpainted, causing the neighborhood not to look as it should.

Mr. Raymond Schnell addressed the Council and thanked them for their support and for the professional staff support. He suggested that the City consider, through the City Newsletter, getting into a program of "How you look to your neighbor." Mayor Hanna complimented Mr. Schnell on the suggestion and said this might be an excellent project for spring and the Civic Improvement Advisory Commission could take this on, using the theme "How do you look to your neighbor".

Peter Hartogensis told the Council that he has been very happy with his work with the Board of Appeals in the past year and looks forward to being a full member next year. He feels the signs that have been used for variances have been a good idea and have certainly increased participation.

At this time Mayor Hanna presented a plaque to Raymond Schnell for his outstanding service to the City as a member of the Board of Appeals for many years. The Council thanked him for his service.

Re: Briefing by Montgomery County
Officials on solid waste disposal
program and issues.

Mr. Paul McGuckian, County Attorney, and Jerome Leszkiewicz, briefed the Council on the County's solid waste disposal program starting with the history of the Gude Landfill when it opened in 1961 and the various stages that it has gone through in the years. The County had hoped to close the Gude facility since 1974, but a series of mishap have caused an extension. The Council discussed the problem at length with the Mayor and Council reiterating the promises that had been made to them and the fact that the County has not been able to keep its word. Mr. McGuckian stressed that 550,000 people County wide are being thwarted by 10,000 or 15,000 in one area of the County. He said it would assist the County if the Mayor and Council were heard more often and if other municipalities

would speak up. He suggested that a more positive approach on Rockville's part would assist the County. Councilman Freeland said the City, through its City Attorney, might look into litigation to stop the use of the Gude Landfill. The Mayor and Council thanked the County representatives for briefing them this evening, and said that the County will be hearing from Rockville soon.

Re: Decision: Postponement of Map
Amendment Application, M-23-80.

On motion of Councilman Freeland, duly seconded and unanimously passed, the Council approved a five month postponement of Map Amendment Application, M-23-80.

Re: Decision: X-81-80, Annexation Petition
Betts property, Instructions to staff

On motion of Councilman Tyner, duly seconded and unanimously passed, staff was instructed to draw up the necessary legal documentation to grant the annexation petition.

Re: Decision: M-24-80, Instructions to
staff - 110 S. Washington Street

On motion of Councilman Tyner, duly seconded and unanimously passed, staff was instructed to draw up the necessary legal documentation to grant the Map Amendment application.

Re: Decision: M-25-80, Instructions to
staff - 39 W. Montgomery Avenue

On motion of Councilman Freeland, duly seconded and unanimously passed, staff was instructed to draw up the necessary legal documentation to grant the Map Amendment application.

(At this time Councilwoman Fordham left the meeting due to illness.)

Re: Selection of colors and logotype
for Community Identification Program

Mr. Bob Crozier of the Graham Group addressed the Council and showed them a combination of color and samples of typefaces that might be used. Mayor Hanna thanked Mr. Crozier for the presentation. Since Councilman Tyner had suggested one or two other types of variations, he asked that a print book be made available to the Council and arrangements be made for Councilmembers Fordham and Abrams to be brought up to date before the next meeting when the color choices could be made.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Gladys Bowman, re Calvert Park drain system

Mayor Hanna asked if the staff had gone out to look at the property. The City Manager said they had seen nothing out of the ordinary.

2. United States Conference of Mayors re dues structure
3. Grove Management Inc., re staff cooperation

Councilman Freeland noted that this is another indication that many times the staff does the right thing for the citizens.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Response to Mayor and Council inquiry re capacity of fuel oil tanks
2. Memo from Traffic Engineer re traffic signal at Seven Locks and Fortune Terr.
3. Copy of letter from Rockville United Methodist Church to City Manager re Academy repairs
4. Copy of letter to Director of Community Development and Housing Assistance re Parcel 4-A, Mid-City Urban Renewal
5. Memo from City Manager re Maryland Avenue Sidewalk Construction and Assessment Survey
6. Memo from Division of Licenses and Inspection re Fire safety issues
7. Memo from Assistant City Attorney re Chvotkin v. Norsab
8. Memo from Division of License and Inspection re 107 N. Adams Street
Councilman Freeland asked the Mayor and Council to indicate to the City Manager that a meeting is needed with the contractor to settle the differences in the statements that are being made about this property. He asked for assistance in resolving the problem.
9. Memo from Director of Public Works re Mayor and Council request for study of Stonestreet/Park Intersection
10. Memo from Civic Improvement Advisory Commission re holiday decorations
Councilman Freeland said he enjoyed the letter and asked that the Civic Improvement Advisory Commission be called in to discuss the decorations. Mayor Hanna agreed and said he hoped the staff will have something impressive next year.

Re: Approval of Minutes:

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 43-80, November 24, 1980, were approved as written.

Re: New Business

Mayor Hanna asked the consensus of the Council for declaring December 26 a staff holiday since the federal government has already done so. The Council agreed to this.

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December 15, 1980

Re: Adjournment

There being no more business to come before the Council in general session, the meeting was adjourned at 11:02 p.m. to convene again in general session on Monday, December 22, 1980, at 8:00 p.m. or at the call of the Mayor.